

**TOWN PLAN AND ZONING COMMISSION  
REGULAR MEETING - MONDAY, JUNE 6, 2016 – LEGISLATIVE CHAMBER,  
ROOM 314, TOWN HALL, WEST HARTFORD, CT 06107**

**DRAFT MINUTES**

**CALL TO ORDER/ROLL CALL: 7:00 P.M.**

**ATTENDANCE:** Chair: Kevin Ahern; Vice Chair: Kevin Prestage; Commissioners: Michele Maresca and John O'Donnell; Alternate: Liz Gillette; Staff: Todd Dumais, Town Planner/TPZ Secretary; Catherine Dorau, Associate Planner; Patrick Alair, Deputy Corporation Counsel; Kimberly Boneham, Assistant Corporation Counsel

**ABSENT:** Commissioner: Michael Seder; Alternate: Mishone Donelson

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**MATTERS FOR PUBLIC HEARING SHALL BE CALLED AT 7:15 P.M.**

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**MINUTES:**

Approval of Minutes:

- a. Minutes of the Regular Meeting, Monday, May 2, 2016.  
*Motion/Gillette; Second/Maresca; Vote: 5-0; Voting: Ahern, Prestage, Maresca, O'Donnell; Alternate: Gillette*

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**NEW BUSINESS:**

**701 Farmington Avenue (Educational Playcare)** - Application (SUP # 1259-R1-16) of Educational Playcare (Congregation Beth Israel, R.O.) requesting TPZ review of compliance with the conditions of SUP #1259 approved on July 2, 2014 to operate a daycare with a licensed capacity of one hundred seventy-seven (177) students. (Submitted for TPZ receipt on June 6, 2016. Suggest required public hearing be scheduled for July 6, 2016.)

After a brief review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **unanimous vote (5 -0)** (Motion/Maresca; Second/Gillette) (Gillette seated for Seder) to schedule this matter for public hearing on Wednesday, July 6, 2016 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.

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**701 Farmington Avenue (Educational Playcare)** - Application (SUP #1259-R2-16) of Educational Playcare (Congregation Beth Israel, R.O.) seeking Special Use Permit approval to increase capacity at the daycare facility from one hundred seventy-seven (177) students to one hundred ninety-seven (197) students. (Submitted for TPZ receipt on June 6, 2016. Suggest required public hearing be scheduled for July 6, 2016.)

After a brief review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **unanimous vote (5 -0)** (Motion/Maresca; Second/Gillette) (Gillette seated for Seder) to schedule this matter for public hearing on Wednesday, July 6, 2016 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.

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**72 Hillsboro Drive** - Application (IWW #1044) of Deborah E. Beach, (Tom Daly, P.E., Contact) requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities which may have an adverse impact on a watercourse (Hunter Brook). The applicant proposes to install 6" sewer lateral in order to provide sanitary sewer service to the existing home and make associated site improvements. All construction will conform to the MDCs standard requirements and specifications (Submitted for IWWA receipt on June 6, 2016. Presented for determination of significance.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the IWWA acted by **majority vote (4-1)** (Motion/O'Donnell; Second/Prestage) (Gillette seated for Seder) (Maresca voting against) to find the proposed regulated activity to be **POTENTIALLY SIGNIFICANT** and set this matter for public hearing on Wednesday, July 6, 2016 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.

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**162 Shield Street (Cora Cora) (AKA 138 Shield Street)** - Application (SUP #1293) of Cora Cora seeking Special Use Permit approval for a total of seventy-six (76) seats for outdoor dining on the south and east side of the restaurant with permanent fencing. On the south side only, the applicant is proposing a fixed awning with fabric and clear vinyl panels for protection during inclement weather. The applicant is also proposing speakers for music and infrared heaters. (Submitted for TPZ receipt on June 6, 2016. Suggest required public hearing be scheduled for July 6, 2016.)

After a brief review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **unanimous vote (5 -0)** (Motion/Prestage; Second/O'Donnell) (Gillette seated for Seder) to schedule this matter for public hearing on Wednesday, July 6, 2016 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.

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**75 Isham Road (World of Beer)** - Application (SUP #1254-R2-16) of SOF-IX Blueback Square Holdings, LP and applicant West Hartford WOB, LLC seeking approval to amend SUP #1254 to increase the outdoor dining seating capacity from twelve (12) seats to twenty-two (22) seats. (Submitted for TPZ receipt on June 6, 2016. Suggest required public hearing be scheduled for July 6, 2016.)

After a brief review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **unanimous vote (5 -0)** (Motion/Prestage; Second/Gillette) (Gillette seated for Seder) to schedule this matter for public hearing on Wednesday, July 6, 2016 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.

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**Work in the Right-of-Way of Whitman Avenue and Braeburn Road, Generally Adjacent to 47 and 200 Whitman Avenue and 45 Braeburn Road (Braeburn Culvert)** - Application (IWW #1045) of Town of West Hartford (Duane Martin, Town Engineer) seeking approval of an Inland Wetlands and Watercourses Permit to repair the drainage culvert conveying Trout Brook under Braeburn Road/Whitman Avenue. (Submitted for IWWA receipt on June 6, 2016. Presented for determination of significance.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the IWWA acted by **majority vote (4-1)** (Motion/O'Donnell; Second/Prestage) (Gillette seated for Seder) (Maresca voting against) to find the proposed regulated activity to be **POTENTIALLY SIGNIFICANT** and set this matter for public hearing on Wednesday, July 6, 2016 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.

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#### **OLD BUSINESS- PUBLIC HEARING OPENED AND CONTINUED:**

**75 Isham Road (World of Beer)** - Application (SUP #1254-R1-16) of SOF-IX Blueback Square Holdings, LP and applicant West Hartford WOB, LLC, requesting TPZ review of compliance with the conditions of SUP #1254 approved June 2, 2014 to authorize a 12-seat outdoor dining area. (Submitted for TPZ receipt on May 2, 2016. Required public hearing scheduled for June 6, 2016.) \*Applicant requests to open and immediately continue hearing to July 6, 2016.

The TPZ opened and immediately continued the application to Wednesday, July 6, 2016 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street by **unanimous vote (5 -0)** (Motion/Prestage; Second/Maresca) (Gillette seated for Seder).

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#### **OLD BUSINESS SCHEDULED FOR PUBLIC HEARING AND DECISION ON JUNE 6, 2016:**

**993 North Main Street (Veterinary Specialists of CT, P.C.)** - Application (SUP #1085-R3-16) of JHK, LLC and applicant Veterinary Specialists of CT, P.C. (Peter J. Royer, Attorney) requesting TPZ review of compliance with the conditions of SUP #1085-R2-14 approved on May 5, 2014 to allow emergency veterinary services daily between the hours of 8pm and 7am. There have been no changes to the layout of the site. (Submitted for TPZ receipt on May 2, 2016. Required public hearing scheduled for June 6, 2016.)

After a review of the application and its related exhibits and after consideration of staff technical comments and the public hearing record, the TPZ acted by **unanimous vote (4-0)** (Motion/Prestage; Second/Gillette) (Gillette seated for Seder) (Maresca recused herself) it was determined that the Special Use Permit did not require additional conditions of approval.

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**526 New Park Avenue (East-West Grille)** - Application (SUP #1251-R1-16) of Manola Sidara, owner and applicant of East-West Grille, requesting TPZ review of compliance with the conditions of SUP #1251 approved on May 5, 2014 to establish an outdoor dining area with a seating capacity of sixteen (16) seats. (Submitted for TPZ receipt for May 2, 2016. Required public hearing scheduled for June 6, 2016.)

After a review of the application and its related exhibits and after consideration of staff technical comments and the public hearing record, the TPZ acted by **unanimous vote (5-0)** (Motion/O'Donnell; Second/Prestage) (Gillette seated for Seder) it was determined that the Special Use Permit did not require additional conditions of approval.

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**1189 Prospect Avenue** - Application (IWW #1043) of Joseph Scannell, R.O. seeking approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities which may have an adverse impact on a wetland and watercourse area. The applicant seeks to install a 16'x35' in-ground pool and spa and pool code fence. (Submitted for IWWA receipt on May 2, 2016. Determined to be potentially significant and scheduled for required public hearing on June 6, 2016.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, and the public hearing record the IWWA acted by **unanimous vote (5-0)** (Motion/Prestage; Second/Maresca) (Gillette seated for Seder) to **APPROVE** the proposed regulated activity and to direct that a wetland permit be issued.

During its discussion and deliberation on this matter, the Agency made the following findings:

**1189 PROSPECT AVENUE**  
**INLAND WETLAND APPLICATION IWW #1043**  
**COMPLIANCE WITH SECTION 10.2 and 10.4**  
**STANDARDS AND CRITERIA FOR DECISION**

The request to conduct certain regulated activities at **1189 Prospect Avenue** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #1043** should be approved as the Standards and Criteria for Decision as set forth in the

Inland Wetlands and Watercourses Regulations for the Town of West Hartford in Section 10.2 have been favorably met. During its discussions and deliberations on this matter, the agency made the following findings:

- [1.] The environmental impact of the proposed regulated activity on wetlands or watercourses will not be so significant as to warrant the denial of this application.
- [2.] The applicant's purpose for the proposed regulated activity is a valid and useful one which alternatives would cause less or no environmental impact to wetlands or watercourses;
- [3.] The feasible and prudent alternatives to the proposed activity have been analyzed by the applicant and the proposed activity is likely to cause less or no environmental impact to wetlands or watercourses than those alternatives.
- [4.] The short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses are not to be so significant as to warrant denial of this application.
- [5.] The long term productivity of the wetlands or watercourses will not be damaged by the approval of this application;
- [6.] The proposed regulated activity will not cause irreversible and irretrievable loss of wetland or watercourse resources.
- [7.] The proposed regulated activity neither threatens nor impacts the safety, health or reasonable use of property; and
- [8.] The proposed regulated activity and future activities associated with or reasonably related to, the proposed regulated activities which are made inevitable by the proposed regulated activity will not have significant impacts on wetlands or watercourses outside the area for which the activity is proposed.

In addition, the Agency considered measures which would mitigate the impact of the proposed activity and may be imposed as conditions of the permit. Such measures include the availability of further technical improvements or safeguards which could feasibly be added to the plan or action to avoid the reduction of or damage to the wetland's or watercourses natural capacity to support desirable biological life, prevent flooding, supply water, control sedimentation and/or prevent erosion, assimilate wastes, facilitate drainage, and provide recreation and open space. The Agency renders its decision to issue this permit on the following considerations and criteria:

- A. That the natural functions and quality of water in local drainage systems both on and off-site shall be preserved and maintained.
- B. That the overall impact of this development on the environment will be kept to a minimum if the conditions imposed by this permit are carried out by the applicant.
- C. There are no reasonable and prudent alternatives which will allow the same activity to be carried out on the proposed site.
- D. During the period when this permit remains in force, the applicant and the Inland Wetland and Watercourses Agency will be working together in good faith to resolve

any matters that may arise relative to the environmental impact on the community due to the activities of the applicant.

The Agency hereby authorizes the applicant to conduct a series of regulated activities on a parcel of land which falls under the jurisdiction of the Inland Wetlands and Watercourse Act of the Connecticut General Statutes and the Inland Wetlands and Watercourses Regulations of the Town of West Hartford. Said parcel of land is located **1189 Prospect Avenue**.

This permit is issued and made subject to the following conditions:

- 1) Plans of record are incorporated by reference in this permit as fully set forth herein.
- 2.) The wetland permit is subject to full compliance with the Town erosion and sediment requirements.
- 3.) This IWWA permit approval shall be stripped onto the final set plan.

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**503-511 New Park Avenue (Chick-Fil-A, Inc.)** - Application (SUP #1290) of Aldi, Inc. and applicant Chick-Fil-A, Inc. (Susan Hays, Attorney) seeking Special Use Permit approval for an eighteen (18) seat outdoor dining area. The seating will be located at the front of the building. (Submitted for TPZ receipt on April 4, 2016. Public hearing originally scheduled for May 2, 2016. Due to S.D.D. scheduling conflict, required public hearing rescheduled for June 6, 2016.)

After a review of the application and its related exhibits and after consideration of staff technical comments and the public hearing record, the TPZ acted by **unanimous vote (5-0)** (Motion/Gillette; Second/Prestage) (Gillette seated for Seder) to approve the permit application with conditions.

During its discussions and deliberations on this matter, the Commission made the following findings and conditions:

1. The proposal meets the finding requirements of Section 177-42A (5a) of the West Hartford Code of Ordinances. In particular:
  - a. The location and size of the use, the nature and intensity of the operations connected with this use, the size of the lot in relation to it and the location of the lot with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
  - b. The kind, location and height of all structures and the nature and extent of the landscaping on the lot are such that the use will not hinder or discourage the appropriate development and use of adjacent properties.

- c. The parking and loading facilities are adequate and properly located for the proposed use, and the entrance and exit driveways are laid out so as to achieve maximum safety.
2. All furniture and other fixtures associated with the outdoor dining area shall be removed and stored indoors or off-site when the outdoor dining area is not in use.

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#### **TOWN COUNCIL REFERRAL AND REQUEST FOR REPORT:**

**312 North Main Street** - Application (SDD #146) on behalf of ZP Group, LLC and 312 North Main Street, LLC to rezone 312 North Main Street, a vacant lot, from R-13, One-Family Residence District, to RO, Residential-Office, and then to designate the rezoned lot as a special development district. The Applicants propose to construct an approximately 3,360 s.f., two and one-half story residential style building, to be used for professional office use and make associated site improvements. (Submitted to Town Council receipt on May 24, 2016. Town Council public hearing scheduled for June 28, 2016. TPZ receipt on June 6, 2016.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **majority vote (3-2)** (Motion/Maresca; Second/O'Donnell) (Gillette seated for Seder) (Prestage and Gillette voting against) to **recommend approval**.

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**University of Connecticut West Hartford Campus** (1700-1800 Asylum Avenue) Town Council Resolution Authorizing the Purchase of the University of Connecticut - West Hartford Campus Property. (Town Council receipt on May 16, 2016. TPZ receipt on June 6th, 2016)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **unanimous vote (5-0)** (Motion/Prestage; Second/Maresca) (Gillette seated for Seder) to **recommend authorization to purchase**.

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#### **TOWN PLANNER'S REPORT:**

New Park Avenue Transit Area Complete Streets Study Update: Workshop #2  
**This item was received by the TPZ.**

**ADJOURNMENT: Motion/Prestage; Second/Maresca (5-0). Meeting adjourned at 9:00 PM**

*U: shareddocs/TPZ/minutes/2016/June6\_16Draft Minutes*